

HD
211
.V8
H3
1992

Haskell, Elizabeth H.

HD211.V8H3 1992 c.1

Executive Summary

State-Owned Lands: A Plan for Their Protection, Management, and Use

February 3, 1992

Submitted by Elizabeth H. Haskell, Secretary of Natural Resources

The General Assembly requested that I prepare a plan for the protection, management, and use of state-owned lands by state resource agencies. In conducting this study, I have analyzed the current state land management system in relation to four general goals for resource management. I found an information system with limited value for resource management, modest resource protection programs, informal coordination, and unstable funding. In general, it is a system which presents a number of opportunities for improvement.

Virginia has a long history of resource management on its lands. In the past, an informal network of agency land managers has assumed the responsibility for coordinating resource protection efforts and promoting the cooperative use of state lands. This loosely structured process has resulted in a number of examples of state lands being cooperatively used for multiple objectives that clearly demonstrate the value of coordinated state land management.

However, circumstances are changing for the state's land management system. Population growth and development have increased the need for recreation and for natural resource management, while reducing the supply of land that is available for acquisition for those purposes. At the same time, a slower economy has reduced the level of federal and state funding for acquiring and managing public lands. Finally, many of the individuals who for years managed state lands have retired or moved on to other assignments. The once workable system for promoting cooperative uses is less able to respond to the needs of a larger population and increased demand for services.

Many State-owned lands provide a variety of opportunities for recreation, economic return, education and research. Other lands may have limits on their use because of the need to preserve significant natural features, or because of hazards presented by natural features. The diversity of opportunities and limitations on State-lands requires that coordination and cooperation in State land-management should be a higher priority. Decisions to acquire, use or sell land parcels should be particularly sensitive to opportunities for achieving multiple resource management objectives and to the value of the resources present.

Property of CSC Library

To improve efficiency in state land management and use, I recommend a plan to:

1. Provide a high quality information base for making resource management decisions. The Council on the Environment, in cooperation with the Department of General Services, has already taken an important step toward achieving this information base by converting mapped data into computerized form. If sufficient resources can be made available, we will build rapidly on this base by defining data needs and collecting accurate information.
2. Protect significant resources or features found on state lands. I have directed that a guide to resource management be prepared for use by agency facility managers.
3. Encourage coordination and cooperation in state land resource management. I will work with state agencies to discuss and coordinate land management for multiple objectives, and to explore what additional steps might be necessary to assure effective interagency cooperation.
4. Provide a stable source of funding for resource acquisition and management. The Governor has recommended creation of a special Conservation and Recreation Fund to be used to acquire and protect important State lands. As well, the Governor has asked for legislation authorizing a referendum on the use of general obligation bonds to acquire new parklands and natural areas and construct critical infrastructure.

To fully implement this plan, adequate funding would be necessary, not only for land acquisition and management, but also to create the information base that is necessary before effective and efficient management can become a fact. Meanwhile, using existing staff, we will continue to develop the data base. As other funds become available we will accelerate this effort. Additional funds will be needed to support the actual inventory of State lands. However, that expenditure should be delayed in view of the State's current revenue position.

Final Report
State-Owned Lands:
A Plan for Their Protection, Management, and Use

February 3, 1992

Submitted by Elizabeth H. Haskell, Secretary of Natural Resources

INTRODUCTION

The 1990 Appropriations Act (item 568.C.) requested that I develop a plan for the protection, management and use of state-owned lands by state resource agencies. The legislature requested that the plan identify all state-owned lands appropriate for resource protection, a means for protecting those lands, options for the coordinated and cooperative use of state-owned lands by state resource agencies, and methods for financing new land acquisitions. As well, the legislature requested projections of required funding for the first three years of implementation, and an examination of program alternatives such as establishing a conservation land bank as well as memoranda-of-understanding between affected agencies. I submitted a progress report to the Chairmen of the House Appropriations and Senate Finance Committees on November 1, 1990.

This final report presents the plan that I have developed in response to the General Assembly's request. I have provided eight short sections in the report in order to clearly define the process used to conduct my analysis, to identify the resources in need of protection, and to discuss the major issues that must be resolved. The final section summarizes implementation measures.

Highway right-of-ways are not covered in this plan because they are excluded from the definition of state property. State interests in property that is less than full ownership, such as leases and easements, are also not covered. Leases and easements are usually acquired for limited periods or for specific, limited uses. In such cases management for multiple objectives may be precluded. Subaqueous lands are also excluded due to their specific and limited uses. Further study may be merited in the future for both easements and subaqueous lands.

BACKGROUND

The Commonwealth of Virginia owns over 390,000 acres of land, with parcels ranging in size from under one acre to over 3000 acres. Parcels are often aggregated into tracts greater than 10,000 acres. Recreation, conservation, timber production,

prisons, education, health care, research, offices and transportation support are the principal state land uses. In managing these lands, the Commonwealth and its agencies and institutions have obligations based on the state constitution, statutory law and state policies to use land resources for the benefit of all Virginians, and to do so in an environmentally sound manner.

Over 85 percent of state-owned land is held by three resource agencies: the Department of Game and Inland Fisheries, the Department of Conservation and Recreation, and the Department of Forestry. Of the remaining state land, 5.6 percent is held by colleges and universities, and 5.2 percent by the Department of Corrections. The remaining 4 percent is held by 24 different agencies. Figure 1 shows the holdings of the major land managing agencies of the Commonwealth; the geographic distribution of larger state land holdings is shown in Figure 2.

A number of studies have been undertaken which addressed management of state-owned lands, some of which resulted in changes in the way state lands are now managed. These include the 1977 Joint Legislative Audit and Review Commission report entitled Operational Review, Management of State Owned Land in Virginia; the 1988 study of the Outdoor Recreation Needs of the Commonwealth (House Document 40); the 1989 Virginia Outdoors Plan; the 1990 report to the General Assembly on tree planting opportunities on state lands prepared by the Department of Forestry; the 1990 survey of historic buildings on state lands conducted by the Department of Historic Resources; and, the report to the Southside Economic Development Commission on the Outdoor Recreational Potential of Southside Virginia.

Project Streamline, an initiative of the Governor's, also involves several studies that may result in changes in the management of state lands. They include an evaluation of the capital outlay construction requirements; an evaluation of opportunities to consolidate and co-locate state offices; development of a long-term state facilities plan; a study and inventory of state property to determine surplus potential; and, a prioritization of data collection activities for natural resources information management systems. These recommendations may require statutory, regulatory or administrative management changes and are currently in various stages of development and implementation.

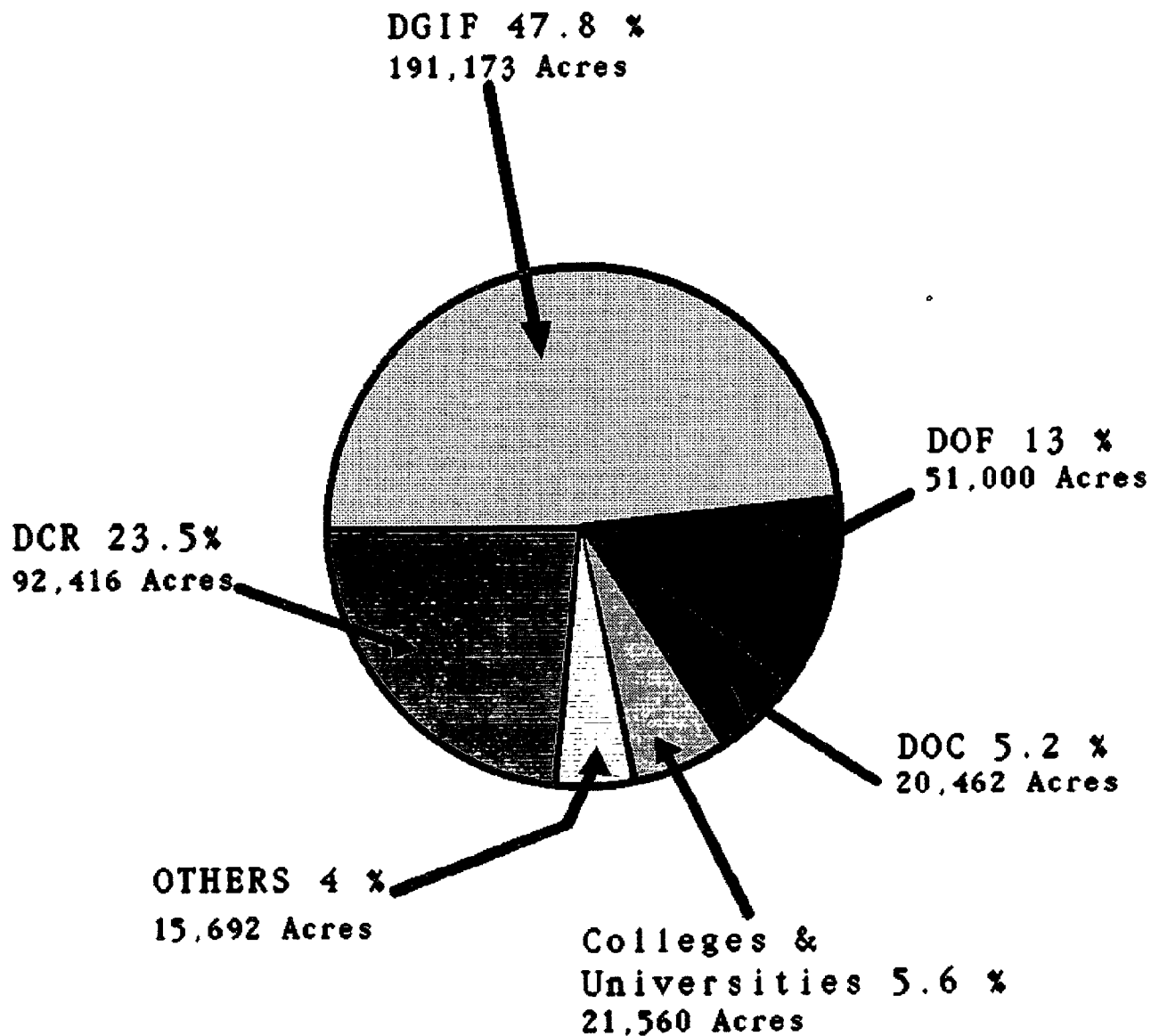
IMPORTANT ENVIRONMENTAL FEATURES:

The features found on lands owned, or considered for acquisition by the Commonwealth present both opportunities and limitations for the use of the land. While all land offers some level of opportunity and some limitations, certain features of the landscape deserve closer attention. Some features provide opportunities for recreation, preservation of significant resources, economic benefit, education or research. Other features present limitations on use because of the potential for damage to the natural environment or to the use itself.

FIGURE 1

Real Estate Holdings Of State Agencies

Total Acres 392,303

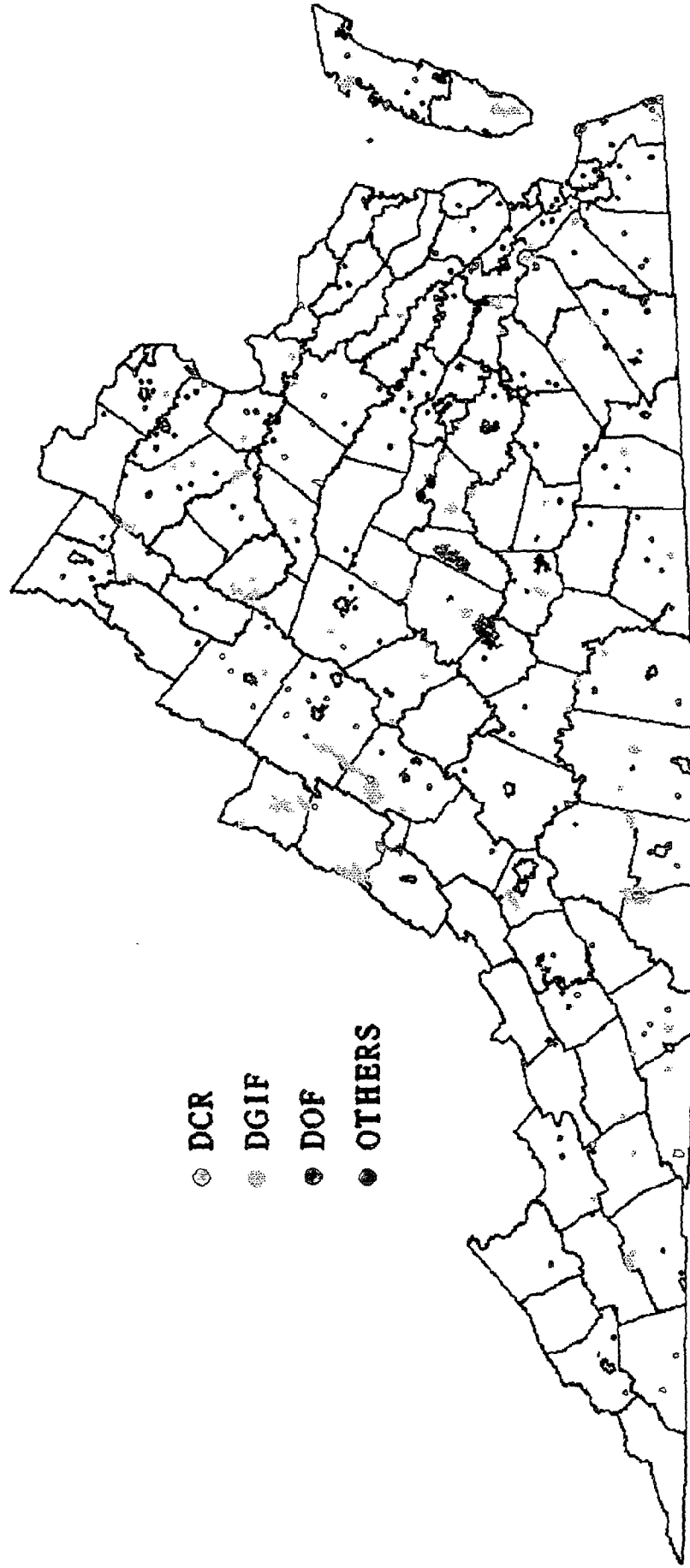


Source: Department of General Services

Prepared By: Virginia EcoMAP System, Council on the Environment

October 18, 1991

FIGURE 2
STATE OWNED LANDS



Opportunities for recreation are presented by State lands which border bodies of water. They may provide opportunities for public access for boating, fishing, swimming, beach use, or other water related recreational activities. Other recreational opportunities are presented by state holdings with large tracts of undeveloped land which have the potential for hiking or bike trails, scenic overlooks, camping, hunting or simply observing nature.

State-owned lands also contain natural or cultural features that should be preserved and protected. The natural features include special habitats supporting rare, threatened or endangered species of animals or plants, or ecosystems that are considered rare or exemplary for Virginia. Other habitats are important because they provide wildlife migration routes or are important to a critical lifestage of a species. Cultural resources include historic structures, districts, or routes, archaeological sites, or scenic viewscapes. In some cases, these areas can also provide immediate educational or research opportunities.

Some state lands also have potential for cooperative use for economic benefit. These areas can provide commercially valuable resources such as timber, agricultural crops, minerals, sand, gravel, coal, oil or natural gas.

Other state-owned lands present limitations for intensive use and development because of the potential for damage to the environment, or to the use itself. For example, certain areas are particularly important in maintaining water quality. Some land features have a close relationship with both surface and ground water quality. Areas along water courses act to slow and filter surface drainage and buffer surface waters from contamination from runoff. By allowing more infiltration, these areas also help recharge groundwater supplies. Wetlands are especially proficient in this respect.

Some features limit use because of the hazards they present. For example, floodprone areas are subject to periodic inundation from flooding rivers or coastal storm surges. Also, steep slopes may not provide stable building surfaces and may be subject to landslides.

GENERAL GOALS FOR MANAGING STATE-OWNED LANDS:

I recommend four simple principles to guide state-owned land management. These principles describe the components of an efficient land and resource management system:

1. Adequate Resource Information Should be Available. The Commonwealth should have adequate information on the resource opportunities and limitations presented by state-owned lands. Sufficient information should be available to make timely, efficient land use decisions and make the best use of state lands while protecting natural resource values.

2. Significant Natural Resources Should be Protected. Land use decisions for state-owned lands should reflect an exemplary level of sensitivity toward areas with high resource values such as areas with recreational potential, economically productive areas, natural hazard areas, sensitive groundwater areas, areas important to surface water quality, wetlands, special habitats, and cultural resources. Information on the opportunities and limitations of these areas should be factored into land use decisions at the beginning of the decision process.

3. Agencies Should Coordinate Activities and Cooperate Whenever Possible. State-owned lands should be viewed as a resource for meeting the needs and goals of resource agencies. There should be an effective procedure for reviewing opportunities for multiple use of existing state lands as well as those lands being considered for acquisition.

4. Adequate Funding Should be Available. State funding, adequate to acquire and manage lands to meet open space, recreation and conservation needs, should be available.

ISSUE: INFORMATION MANAGEMENT

Findings:

Although basic information about significant resources on state lands exists, the current data is neither comprehensive nor readily accessible for land use decisions. While individual agencies maintain information about resources found on their lands, existing information has not been compiled for all state lands, nor has all needed information been identified.

Real estate information for the Commonwealth is maintained by the Bureau of Real Property Management within the Department of General Services. The basic components of the existing state-owned lands inventory include a paper record system containing files on each state-owned property, a set of USGS quadrangle maps showing state-owned and leased properties, composite plats for selected properties, and the Real Property Management System (RPMS) computerized data base. Prior to July 1, 1991, the RPMS was a subset of the FAACS information system maintained by the Department of Accounts.

All state agencies owning or leasing land in the Commonwealth are required to submit annual reports concerning their individual lands (*Virginia Code* §2.1-505). These reports are intended to inform DGS about the conditions of the property, current and proposed use, as well as notification of any surplus property. This is done through a validation process where DGS generates reports on each agency's land holdings and the agency updates the report and returns it. The reports are of limited use for natural resource management because complete information is not available for each property, definitions of natural resources are not standardized, and regular training is not provided for agency field reviewers.

In an effort to enhance this data system, the Council on the Environment, working in cooperation with the Department of General Services, has digitized the Department's hard copy map data, and reformed the RPMS data base so that it can be used in the EcoMAPS geographic information system. The resulting data base is now accessible, reliable, and easier to analyze. However, the usefulness of the system for natural resource management is still limited by the quality of the information within the RPMS data base. Many types of data necessary for resource management are not kept in the system, and resource data that is kept varies in accuracy and reliability.

A number of issues remain to be addressed. Resolving these issues will require input from the agencies that will use the data system. Specifically, the Commonwealth must consider how best to continue development and maintenance of a comprehensive, accurate inventory of state lands and the natural resources present on those lands. To achieve this, I recommend a program to:

- define the information needs and expectations of the information system,
- organize these needs into a comprehensive resource classification system,
- and, develop consistent, well documented methodologies for data acquisition, information reporting, and operating procedures (including quality assurance/quality control).

Recommendation:

Under the guidance of the Virginia EcoMAPS Program, the Commonwealth will continue to develop and maintain a data base describing the location and condition of natural resources on state-owned lands. This data base will act as a framework within which natural resource information will be collected, assembled, organized, extracted, and analyzed. The data will be geographically referenced in order to be the most useful for resource management. Mapped data will allow for analysis of relative location and extent of significant land features. This will necessitate that the data base be part of a larger geographic information system (GIS). Information assembled by the Department of General Services and digitized by the Council on the Environment as part of this study will form the foundation of this information base. The speed at which this effort can be undertaken is highly dependent on adequate funding.

Further development will take place in four phases:

Phase 1. Describe and Prioritize Information Needs. Agencies and institutions that will use the data base will describe their specific information needs such as land cover or presence of wetlands, along with the level of detail required.

Phase 2. Develop a Classification System. Definitions of each data type will be developed to determine how all the different data sets will fit together.

Phase 3. Develop Methodologies. Methods for collecting and standardizing the various data sets will be determined and documented.

Phase 4. Collect Data. Land owning agencies will collect the needed data using agreed upon methodologies and will transmit data to a central repository for use by any interested agency.

The entire information system will link the individual data bases of the resource agencies to a central repository of information. This arrangement will be easily accessible, and provide comprehensive information for state land management.

ISSUE: PROTECTION OF SIGNIFICANT RESOURCES

Findings:

Resource management efforts on state lands generally meet minimum protection standards as prescribed by numerous state laws. Although there may be isolated exceptions, agencies comply with the law and violations are rectified in timely manner.

Although agencies may be meeting minimum environmental protection standards for lands they manage, there is strong justification for the Commonwealth to provide a model for environmentally sound land management. Inasmuch as the State uses its police power to require private land owners to meet minimum environmental standards, the state should display a higher level of environmental sensitivity on the lands it has full control over and demonstrate innovative land management practices. This policy with respect to land management was recognized in the 1987 Chesapeake Bay Agreement. The Agreement committed the Bay states to designing and carrying out each state development project so as to serve as a model for the private sector in terms of land use practices.

The Department of General Services, Division of Engineering and Buildings's Directive 1 provides general natural resource management criteria for agencies to use in acquiring, developing and managing lands. More detailed guidance for resource management on state lands is offered through the Virginia Environmental Quality Act (*Virginia Code* §10.1-1200 et. seq.). Included in the Act is a mandate for state agencies to submit environmental impact reports to the Council on the Environment (*Virginia Code* §10.2-1208). The Council staff, in cooperation with the appropriate state agencies, reviews the reports for consistency with state environmental laws and policies and makes recommendations to the Governor. This process does not, however, apply to land acquisition for resource management, nor to state land development and acquisition under \$100,000. In addition, agencies do not always

comply with this process at the earliest stage of project development -- during the capital outlay planning stage -- when changes can be accommodated more easily and with less cost.

Some significant resources found on state lands need to be buffered from other incompatible uses. At some locations, the Commonwealth does not own enough property to provide a sufficient buffer around these resources. For example, a recreational lake found on a state property may be adversely affected by encroaching urban development in the watershed of the lake, but outside of state control. Local land use decisions about properties adjacent to state-owned lands can therefore have an impact on the values of state-owned resources. In order to provide effective management of these valuable public resources, compatible land uses should be encouraged adjacent to state facilities. Facility managers should work with local officials to improve the protection of state lands through local zoning and land use plans. For instance, cooperative agreements to address local recreational needs in return for compatible zoning should be considered. Although a few examples may exist, cooperative agreements such as these are uncommon.

In order to adequately protect significant resources on state lands certain important objectives must be achieved;

- adequate information should be available on the resources to be protected,
- land managing agencies should be familiar with all resource protection policies, laws and programs,
- resource management plans should be available for large land holdings,
- appropriate buffer areas should be identified and compatible uses encouraged within the buffer areas.

As I noted above, comprehensive resource information is not available for resource management. At a minimum, this implies that resources are not being protected to an exemplary level. It may also mean that protection of some resources has not been given the same level of importance as others. For example, inventories for natural heritage resources such as rare, threatened and endangered species have only been performed for a few state-owned properties.

There is also evidence that state resource protection policies and mandates may not be receiving equal emphasis on all state lands. While the Department of General Services is charged with developing and implementing basic guidelines for acquiring, maintaining and surplusizing state lands, there is no mechanism intended to establish or coordinate priorities for resource management on those lands. Individual agencies may apply their own programs to their land holdings. There is, however, no common forum or process for sharing resource information and identifying opportunities to

implement other state resource protection efforts. There is also no single reference for information on state resource policies.

The environmental impact review process administered by the Council on the Environment can consider a wide spectrum of policies and laws, but this process covers only construction projects over \$100,000. It does not cover acquisition or management of lands which do not involve construction, or construction projects under \$100,000. This review certainly encourages responsible resource management, but it does not cover all state lands, nor does it take place in the earliest stages of project development.

Master plans may be a way to identify significant natural resources and provide for their protection. Master plans for state lands are currently required by the Department of General Services in its Directive #1 which sets out requirements and procedures for the acquisition of land. However these plans are not required for all properties, and are not typically used for resource protection.

Recommendations:

All land managing agencies must have information on resources of importance, and be aware of the existing policies, laws, and mandates related to resource management on their lands. The information base described above helps to satisfy this requirement. I am directing the Council on the Environment to prepare a manual to guide agency facilities managers in appropriate resource management techniques. The Council will coordinate development of the manual with all relevant agencies.

To assure that policies, laws, and mandates are applied on a case-by-case basis, resource management plans would be helpful for all large properties that don't already have a master plan. These resource management plans could then be reviewed for consistency with existing objectives.

ISSUE: INTERAGENCY COORDINATION

Findings:

There is currently no comprehensive, systematic process for reviewing opportunities for cooperative use of state lands. There is no central forum for sharing information and coordinating use of these lands, nor is there a standardized process for completing master plans or resource management plans for state lands. State agencies acquire land based on specific attributes that serve their specific purpose.

The Department of General Services, Division of Engineering and Buildings, through its Directive 1, provides general guidance for agencies and institutions in the acquisition, leasing, disposal, surplus and management of state lands and facilities.

These centralized functions are intended to provide consistency for all agencies involved in public land management. Detailed planning for and day-to-day management of state lands is the responsibility of the individual agencies and institutions.

An informal network of land managers from these agencies have assumed the responsibility for promoting the cooperative use of state lands. This process has resulted in a number of examples of state lands being cooperatively used for multiple objectives. For example, the Department of Game and Inland Fisheries, the Department of Transportation and the Department of Conservation and Recreation have a cooperative agreement whereby potential bridge replacement and road realignment projects are screened by all three agencies to determine the feasibility of incorporating river access facilities into the project.

In some cases, agencies already manage their lands for multiple objectives. The Department of Forestry (DOF), for example, may use land for forest products harvesting, passive recreation, wildlife management, resource buffer areas and research. Various aspects of DOF land management are carried out cooperatively with other agencies. For example, in cooperation with the Department of Game and Inland Fisheries, food patches for wildlife are provided in clearings created by timber harvesting or powerline-right-of-way clearing.

The Department of Conservation and Recreation (DCR) has initiated a land classification system to determine options for additional uses on their lands. A system like this can be helpful in developing multiple objective master plans for state-owned lands. DCR has completed such a plan for Seashore State Park which incorporates protection of important plant and animal habitats into a popular recreational facility.

Another example of a cooperative master plan for multiple use and protection is that of the "Elko" Tract, a state-owned parcel of several hundred acres in eastern Henrico County. In response to a 1988 proposal for a public safety complex on the site, the Council on the Environment and other natural resource agencies through the state environmental impact review process, requested an evaluation of resource values which might be placed at risk if the complex, or other developments considered in the master plan, were constructed as contemplated. A cooperative effort between natural resource agencies and agencies with an interest in the parcel resulted in changes to the master plan and revisions of plans for the public safety complex. As a result, resource identification improved; wetlands and endangered species' habitats were effectively protected; and project plans were adapted to terrain features and biological resources on the tract. Potential wetlands loss was reduced by over 90 percent, and mitigation plans were developed for the losses.

There are some impediments to coordination and cooperation within the state system. For example, several resources agencies have cited problems with the time it takes to complete, review and have approved the required forms for buying lands. This time delay can result in lost opportunities to quickly purchase land which will assist the agency in carrying out its mission and meeting the needs of the public. On

the other hand, it is important to thoroughly review any potential land acquisition before purchase to assure that the land meets the needs of the Commonwealth and does not present unexpected liabilities.

Recommendation:

State resource agencies should meet regularly to investigate opportunities for further coordination and cooperation. In order to assure that the resources on state lands are put to their best use, I am beginning to work with agency heads to coordinate land management and acquisition efforts. We will look for opportunities for additional uses of state lands, such as recreation, preservation or economic benefit, and seek cooperative agreements, such as memoranda-of-understanding, for using land.

ISSUE: FUNDING FOR LAND ACQUISITION AND MANAGEMENT

Findings:

The current system of fund allocation for land acquisition, although at times resulting in large appropriations, has limited utility over time because it is subject to annual fluctuations based on previous funding patterns and fiscal priorities. Those funds which do provide a stable source of funds are limited in size. These funding mechanisms do not promote development of a systematic acquisition and construction program which employs long-term planning. Although a number of funds exist, and a number of efforts have been made to more closely link resource funding sources to their use, there is currently no adequate, stable, readily available source of revenue for new land acquisition for natural resource protection and use.

The Commonwealth typically acquires land and finances the construction and operation of capital facilities with appropriations from the General Assembly. Those state agencies desiring to purchase land submit funding requests for acquisition and construction to the Department of Planning and Budget (DPB) and the Department of General Services (DGS). DPB and DGS review land acquisition requests and submit recommendations on the proposed acquisitions to the Governor. Based on these recommendations, the Governor may include an appropriations request in his budget bill. The General Assembly then approves, modifies or denies the requests. General Assembly members may also directly submit appropriations requests for land acquisition on behalf of a state agency.

State agencies also obtain land through private gifts, or by donation of federal lands. State universities have received sizable private gifts of land, while the Departments of Game and Inland Fisheries, Conservation and Recreation and Forestry have benefited from federal land donations.

The General Assembly has established long-term funding options for certain resource agencies that may be used for land acquisition purposes. These funding mechanisms have included voluntary tax contributions (Open Space Recreation and

Conservation Fund); general fund appropriations (Virginia Recreation Facilities Authority); revolving loan funds (Virginia Historic Preservation Revolving Fund and Virginia Recreation Assistance Revolving Loan Fund); revenues derived from the use of state-owned lands (Reforestation Operations Fund); licensing fees (Game Protection Fund); and general fund appropriations derived from lottery fund proceeds to match private donations (Natural Area Preservation Fund). These revenue sources provide vital support for resource conservation programs; however, they are very limited in terms of the level of income that can be generated relative to acquisition and construction needs.

In addition to acquiring land, the state also sells land deemed to be surplus. Agencies must notify the Department of General Services (DGS) of lands which are considered surplus and report this information in the Annual Land Report. DGS does not normally circulate information on surplus lands to agencies. Agencies must notify DGS through the Annual Land Report of land acquisition needs. DGS will assess the need in light of the lands available and will notify the agency. The Commonwealth currently has 8 parcels of surplus land totaling 678 acres.

Recommendation:

Governor Wilder has called for establishment of a special non-reverting conservation trust fund to provide a stable source of funds for acquisition and protection of important parklands, valuable wildlife, and historic resources. The fund has also been recommended by the Commission on Population Growth and Development and the Southside Economic Development Commission.

As well, the Governor has requested legislation to authorize a referendum on the use of general obligation bonds for parks and natural areas. Issuance of \$90 million in bonds is proposed. The revenue would be used to acquire and construct facilities identified in Virginia's six-year capital plan for addressing the Commonwealth's priority needs.

IMPLEMENTATION

In order to implement the plan outlined above, the General Assembly should approve the establishment of the conservation trust fund and the general obligation bond proposals. This will provide the Commonwealth with adequate funding to carry on the task of improving cooperative and coordinated management of natural resources on state lands.

My meetings with agency heads about cooperative use will include any interested land management agencies. In addition to the agencies in the Natural Resources Secretariat, I will invite the Department of General Services, the Department of Planning and Budget, the Department of Forestry and others that express an interest in joining. We will focus on:

1. Continuing the development and maintenance of a comprehensive, accurate inventory of state lands and the natural resources present on those lands. We will build on the data assembled by the Department of General Services and digitized by the Council on the Environment. Information will be collected into a coordinated, easily accessible data system. We will set standards and procedures for developing and maintaining the inventory.

2. Coordinating state efforts to protect and use natural resources on state-owned lands. We will examine opportunities for additional cooperative use and resource protection on existing state lands as well as lands considered for acquisition by the Commonwealth.

3. Recommending stable sources of funding to acquire and maintain state lands used for natural resource purposes. We will continuously monitor funding levels and develop new strategies for providing steady, sufficient, readily available funding to acquire and manage natural resource lands.

This report was funded, in part, by the Virginia Council on the Environment's Coastal Resources Management Program through grant #NA90AA-H-CZ796 of the National Oceanic and Atmospheric Administration under the Coastal Zone Act of 1972 as amended.

